

Hemp Product Ingestion Defense

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History

- Marijuana byproduct is THC
- Positive UA for THC meant marijuana use
- Nutritional supplements can contain hemp seed oil
 - positive UA for THC
- No way to distinguish marijuana (illegal) from hemp seed oil ingestion (legal)
- Defense for THC: hemp seed oil use

Air Force Reaction

- AFI 44-121 amended
 - effective January 2000
 - bans use of hemp seed oil by ANG members
 - Title 32 and Title 10

Current Status

- Defense of hemp seed oil ingestion could be raised, but:
 - PROBLEM: admit to violating AFI 44-121
 - Solution: JAGs move to suppress the defense or charge the person with failure to obey a lawful regulation
 - Under Other Than Honorable Conditions Discharge
- Can still raise innocent ingestion defense
 - My wife spiked my cereal

COMMON PITFALLS

- FAILURE TO TAKE ACTION WHEN NECESSARY
- FAILURE TO OBTAIN THE “FACTS” AFTER READING MEMBER THEIR RIGHTS
- REMEMBER – THEY SHOULD HAVE DOCUMENTED USE OF DRUGS AT TIME OF URINALYSIS

QUESTIONS/COMMENTS / CONFUSION?

